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RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON, DC 20036

EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/876,990

Applicant(s)

NEGISHI ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Moeller (U.S. 5,828,370).

Regarding claim 1, Moeller discloses a data distribution apparatus (figure 1) comprising:

receiving means (server 50, with network communications interface) for receiving a special playback request from an external source (commands received from a user set top box 52 and delivered to server 50, column 6, lines 18-31, column 7, lines 27-37);

data storage means 62 for storing data (column 8, lines 24-47, DVDS, RAID etc);

decoding means 74 (MPEG decoder) for reading the data from said data storage means in response to the special playback request (user request) and for decoding the read data so as to generate a special playback signal (column 8, lines 42-55);

encoding means 76 (MPEG encoder 76) for encoding the special playback signal generated by said decoding means so as to generate special playback data (column 8, lines 55-column 10, line 3)

transmission means (server 50, with communications interface which transmits over an ATM or IP network 40, column 6, lines 19-31), for transmitting the special playback data obtain by said encoding means 76, to a data receiving terminal 52 via a data transmission medium 40.

Regarding claim 2, Moeller discloses that data is stored in the storage means, and the special playback request is a play request (column 8, lines 42-47).

Regarding claims 7 and 9, Moeller discloses a data distribution method comprising the steps of:

Receiving a special playback request from an external source (commands received from a user set top box 50 and delivered to server 50, column 7, lines 27-37);

Reading data stored in a data storage unit in response to the special playback request (the MPEG normal play and trick play streams are stored on a storage device, column 8, lines 42-48, column 9, lines 38-51)

Decoding the read data so as to generate a special playback signal (column 8, lines 42-5)

Encoding the special playback signal so as to generate special playback data (column 8, line 55-column 10, line 3 MPEG encoded data); and

Transmitting the special playback data to a data receiving terminal 52 via a transmission medium 40 (server 50, with communications interface which transmits over an ATM or IP network 40, column 6, lines 19-31)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-6, 8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moeller (U.S. 5,828,370) in view of Yanagihara (U.S. 6,697,432).

Regarding claims 3 and 5, Moeller discloses a data distribution apparatus comprising:

Receiving means for receiving a special playback request from an external source (commands received from a user set top box 50 and delivered to server 50, column 7, lines 27-37);

Data storage means for storing playback data (column 8, lines 24-47, DVDS, RAID etc), and also storing special playback data (trick play stream, column 8, lines 42-

48) and splicing data (index table, column 9, lines 15-20, column 11, lines 17-37), both of which are used for playing back the playback data in a special mode;

Data switching means for reading the special playback data from said storage means in response to the special playback request received by said receiving means (column 10, line 60-column 11, line 5), and for reading the splicing data from said data storage means (column 10, line 60-column 11, line 5, the index lookup tables are referenced to determine which video to provide); and

Transmission means for transmitting the special playback data or the splicing data from said data switching means to the data-receiving terminal via a transmission medium (column 7, lines 34-38, figure 1, data is transmitted from video server 50, via ATM network 40 to a subscriber 52).

Moeller fails to disclose reading data according to a buffer state of a data-receiving terminal.

Yanagihara discloses a buffer 435 within a user terminal, which uses an underflow flag, the flag is set to 1 when a user performs a trick play operation and 0 when a normal play operation is preformed (column 4, lines 57-64), this data controls buffer 341 (column 5, lines 48-55, column 7, lines 50-58, column 8, lines 16-19), thus reducing underflow, through the use of a buffer.

Therefore, it would have been obvious to one skilled in the art at the time of invention, to modify Moeller to utilize the buffer of Yanagihara, thus reducing underflow, through the use of a buffer.

Regarding claims 4 and 6, Moeller discloses that the splicing data is used to index the trick play and normal play streams, in order to determine an offset between the two streams, when a user starts a trick play stream the nearest offset is determined between the two streams and the trick play stream is then transmitted, likewise when switching from a trick play to a normal play stream, the nearest offset in the normal play stream is determined, and normal play data from that point is then transmitted, these offsets are data with different presentation times (column 10, line 43-column 11, line 16), thus the repeat data would be data which is in the normal play stream with a presentation time prior to the time in the trick play stream.

Regarding claim 8, Moeller discloses a data distribution method for reading special playback data from a storage unit 90 to a receiving terminal 52, said data storage unit storing playback data (column 8, lines 24-47, DVDS, RAID etc), and also storing special playback data (trick play stream, column 8, lines 42-48) and splicing data (index table, column 9, lines 15-20, column 11, lines 17-37), both of which are used for playing back the playback data in a special mode, said data distribution method comprising the steps of:

Receiving a special playback request from an external source 52 (commands received from a user set top box 52 and delivered to server 50, column 7, lines 27-37);

Reading data stored in a data storage unit in response to the special playback request (the MPEG normal play and trick play streams are stored on a storage device, column 8, lines 42-48, column 9, lines 38-5, and are indexed together based on time,

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so that the positions are equivalent between the normal streams and the faster presentation trick play streams, column 9, line 51-column 10, line 41, the streams are transmitted to the user in response to a request, column 7, lines 34-38)

Reading the splicing data from said data storage unit (column 8, lines 55-64, column 9, lines 15-20, column 11, lines 6-37),

Transmitting the special playback data to the receiving terminal 52, via transmission medium 40 (column 6, lines 19-31).

Moeller fails to disclose reading splicing data according to a buffer state.

Yanagihara discloses a buffer 435 within a user terminal, which uses an underflow flag, the flag is set to 1 when a user performs a trick play operation and 0 when a normal play operation is preformed (column 4, lines 57-64), this data controls buffer 341 (column 5, lines 48-55, column 7, lines 50-58, column 8, lines 16-19), thus reducing underflow, through the use of a buffer.

Therefore, it would have been obvious to one skilled in the art at the time of invention, to modify Moeller to utilize the buffer of Yanagihara, thus reducing underflow, through the use of a buffer.

Regarding claim 10, Moeller discloses a data distribution system for distributing data, which includes special playback data from a data distribution apparatus comprising:



Receiving means for receiving a special playback request from an external source (commands received from a user set top box 50 and delivered to server 50, column 7, lines 27-37);

Data storage means for storing playback data (column 8, lines 24-47, DVDS, RAID etc), and also storing special playback data (trick play stream, column 8, lines 42-48) and splicing data (index table, column 9, lines 15-20, column 11, lines 17-37), both of which are used for playing back the playback data in a special mode;

Data switching means for reading the special playback data from said storage means in response to the special playback request received by said receiving means (column 10, line 60-column 11, line 5), and for reading the splicing data from said data storage means (column 10, line 60-column 11, line 5, the index lookup tables are referenced to determine which video to provide); and

Transmission means for transmitting the special playback data or the splicing data from said data switching means to the data-receiving terminal via a transmission medium (column 7, lines 34-38, figure 1, data is transmitted from video server 50, via ATM network 40 to a subscriber 52).

Said terminal device 52 comprising:

Receiving means for receiving the data transmitted from said data distribution apparatus (column 6, line 66-column 7, line 11, and

Moeller inherently contains decoding means for decoding data received by the receiving means as Moeller discloses that the normal play streams are transmitted as

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MPEG data (column 6, lines 47-54) and an MPEG decoder is required in order to display the streams.

Moeller fails to disclose reading data according to a buffer state of a data-receiving terminal.

Yanagihara discloses a buffer 435 within a user terminal, which uses an underflow flag, the flag is set to 1 when a user performs a trick play operation and 0 when a normal play operation is preformed (column 4, lines 57-64), this data controls buffer 341 (column 5, lines 48-55, column 7, lines 50-58, column 8, lines 16-19), thus reducing underflow, through the use of a buffer.

Therefore, it would have been obvious to one skilled in the art at the time of invention, to modify Moeller to utilize the buffer of Yanagihara, thus reducing underflow, through the use of a buffer.

Regarding claim 11, Moeller discloses a data distribution system (figure 1) for distributing data, which includes special playback data from a data distribution apparatus comprising:

Receiving means (server 50, with network communications interface) for receiving a special playback request from an external source (commands received from a user set top box 52 and delivered to server 50, column 6, lines 18-31, column 7, lines 27-37);

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Data storage means 62 for storing playback data (column 8, lines 24-47, DVDS, RAID etc), and splicing data (index table, column 9, lines 15-20, column 11, lines 17-37),

data storage means 62 for storing data (column 8, lines 24-47, DVDS, RAID etc);

decoding means 74 (MPEG decoder) for reading the data from said data storage means in response to the special playback request (user request) and for decoding the read data so as to generate a special playback signal (column 8, lines 42-55);

encoding means 76 (MPEG encoder 76) for encoding the special playback signal generated by said decoding means so as to generate special playback data (column 8, lines 55-column 10, line 3)

Data switching means for reading the special playback data from said storage means in response to the special playback request received by said receiving means (column 10, line 60-column 11, line 5), and for reading the splicing data from said data storage means (column 10, line 60-column 11, line 5, the index lookup tables are referenced to determine which video to provide);

transmission means (server 50, with communications interface which transmits over an ATM or IP network 40, column 6, lines 19-31), for transmitting the special playback data obtain by said encoding means 76, to a data receiving terminal 52 via a data transmission medium 40

Said terminal device 52 comprising:

Receiving means (Figure 2, STB coupled to a network via cable 58) for receiving the data transmitted from said data distribution apparatus (column 6, line 66-column 7, line 11), and

Moeller inherently contains decoding means for decoding data received by the receiving means as Moeller discloses that the normal play streams are transmitted as MPEG data (column 6, lines 47-54) and an MPEG decoder is required in order to display the streams.

Moeller fails to disclose reading splicing data according to a buffer state in a receiving terminal.

Yanagihara discloses a buffer 435 within a user terminal, which uses an underflow flag, the flag is set to 1 when a user performs a trick play operation and 0 when a normal play operation is preformed (column 4, lines 57-64), this data controls buffer 341 (column 5, lines 48-55, column 7, lines 50-58, column 8, lines 16-19), thus reducing underflow, through the use of a buffer.

Therefore, it would have been obvious to one skilled in the art at the time of invention, to modify Moeller to utilize the buffer of Yanagihara, thus reducing underflow, through the use of a buffer.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,144,702 to Yurt: Audio and Video Transmission and Receiving System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

  
**HAITRAN**  
**PRIMARY EXAMINER**